



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION

445 TWELFTH STREET, S.W.

WASHINGTON, D.C. 20554

DA 05-389

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Released: February 14, 2005

ALLTEL CORPORATION AND CINGULAR WIRELESS LLC SEEK FCC CONSENT TO TRANSFER OF CONTROL OF ALLTEL NEWCO LLC

WT Docket No. 05-57

PLEADING CYCLE ESTABLISHED

Petitions to Deny Due: March 16, 2005
Oppositions Due: March 28, 2005
Replies Due: April 4, 2005

ALLTEL Corporation (“ALLTEL”) and Cingular Wireless LLC (“Cingular”) (collectively, the “Applicants”) have filed an application seeking consent pursuant to Sections 214 and 310(d) of the Communications Act of 1934, as amended,¹ to transfer control of licenses and authorizations from Cingular to ALLTEL. To effectuate this proposed transfer of control, Cingular has also filed a series of *pro forma* applications seeking consent to the assignment of licenses from subsidiaries of Cingular to ALLTEL Newco LLC (“ALLTEL Newco”), another wholly-owned subsidiary of Cingular. ALLTEL Newco currently holds no FCC authorizations, but will acquire Personal Communications Service (“PCS”) and Cellular Radiotelephone licenses in Connecticut, Georgia, Kansas, Kentucky, Mississippi, Oklahoma, and Texas as a result of the *pro forma* assignments by Cingular. The consummation of the *pro forma* assignments will occur immediately prior to the consummation of the transfer of control of ALLTEL Newco from Cingular to ALLTEL. The proposed transfer of control of licenses from Cingular to ALLTEL fulfills in part the government-ordered divestiture of certain commercial mobile radio service properties as a condition of the approval of Cingular’s merger with AT&T Wireless Services, Inc.²

¹ 47 U.S.C. §§ 214, 310(d). Most of the applications were amended subsequent to their initial submission. When searching for these applications on the Wireless Telecommunications Bureau’s Universal Licensing System (“ULS”) at <http://wireless.fcc.gov/uls/>, the amended versions of the applications will appear with an “AM” as the purpose code.

² See Application of AT&T Wireless Services, Inc. and Cingular Wireless Corp. for Consent to Transfer Control of Licenses and Authorizations, WT Docket No. 04-70, *Memorandum Opinion and Order*, 19 FCC Rcd. 21,522 (2004).

I. SECTION 310(d) APPLICATION

The following applications for consent to the *pro forma* assignment of various cellular and PCS licenses from subsidiaries of Cingular to ALLTEL Newco have been assigned the file numbers listed below.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
0001966108 ³	New Cingular Wireless PCS, LLC	WQBT341
0001966198	Houston Cellular Telephone Company, L.P.	WQBT358
0001966537	New Cingular Wireless PCS, LLC	WQBT351
0001966782	New Cingular Wireless PCS, LLC	KNKN627
0001966783	New Cingular Wireless PCS, LLC	KNKN833
0001966853	New Cingular Wireless PCS, LLC	WQBT350
0001966858	Houston Cellular Telephone Company, L.P.	KNKN472
0001966943	New Cingular Wireless PCS, LLC	WQBT313
0001966952	Houston Cellular Telephone Company, L.P.	KNKA606
0001966963	New Cingular Wireless PCS, LLC	WQBT315
0001966967	New Cingular Wireless PCS, LLC	WQBT352
0001966987	New Cingular Wireless PCS, LLC	KNKA369
0001967013	New Cingular Wireless PCS, LLC	KNLG405

The following application for consent to transfer control of various cellular and PCS licenses from Cingular to ALLTEL has been assigned the file number listed below.

<u>File No.</u>	<u>Licensee</u>	<u>Lead Call Sign</u>
50004CWTC05 ⁴	ALLTEL Newco LLC	KNKA606

II. SECTION 214 AUTHORIZATION

The following application for consent to transfer control of Cingular's international Section 214 has been assigned the file number listed below.

<u>File No.</u>	<u>Authorization Holder</u>	<u>Authorization Number</u>
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³ ULS File No. 0001966108 has been designated as the lead application, and all pleadings and other submissions filed in this matter that pertain generally to the transaction and not to a particular application will be available through this file number in ULS at <http://wireless.fcc.gov/uls/>.

⁴ This application is attached to File No. 0001966108. As described above, Cingular proposes to assign various wireless licenses to ALLTEL Newco immediately prior to consummating the proposed transfer of control of ALLTEL Newco to ALLTEL. Because these assignments have not been consummated, these licenses are not shown as belonging to ALLTEL Newco in ULS. Thus, this transfer of control application was filed manually with a request for waiver of the ULS electronic filing requirement, pursuant to section 1.913(b) of the Commission's rules. 47 C.F.R. § 1.913(b). We grant the Applicants' request for waiver of the ULS filing requirement.

III. *EX PARTE* STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,⁵ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.⁶

Parties making oral *ex parte* presentations are directed to the Commission's statement re-emphasizing the public's responsibility in permit-but-disclose proceedings and are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁷ More than a one- or two-sentence description of the views and arguments presented is generally required.⁸ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁹ We urge parties to use the Electronic Comment Filing System ("ECFS") to file *ex parte* submissions.¹⁰

IV. GENERAL INFORMATION

The applications referenced herein have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies. Final action on these applications will not be taken earlier than thirty-one days following the date of this Public Notice.¹¹

Interested parties must file petitions to deny no later than **March 16, 2005**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **March 28, 2005**. Replies to such pleadings must be filed no later than **April 4, 2005**. All filings concerning matters referenced in this Public Notice should refer to **DA 05-389** and **WT Docket No. 05-57**, as well as the specific file numbers of the individual applications or other matters to which the filings pertain.

Under the Commission's current procedures for the submission of filings and other documents,¹²

⁵ 47 C.F.R. § 1.1200(a).

⁶ *Id.* § 1.1206.

⁷ See Commission Emphasizes the Public's Responsibilities in Permit-But-Disclose Proceedings, *Public Notice*, 15 FCC Rcd. 19,945 (2000).

⁸ See 47 C.F.R. § 1.1206(b)(2).

⁹ *Id.* § 1.1206(b).

¹⁰ See discussion *infra* Part IV.

¹¹ See 47 U.S.C. § 309(b).

¹² See Implementation of Interim Electronic Filing Procedures for Certain Commission Filings, *Order*, 16 FCC Rcd.

submissions in this matter may be filed electronically (*i.e.*, through ECFS) or by hand delivery to the Commission's Massachusetts Avenue location.

- **If filed by ECFS,**¹³ comments shall be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, and should include the following words in the body of the message, "get form <your e-mail address>." A sample form and directions will be sent in reply.
- **If filed by paper,** the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). The Commission's contractor, Natek, Inc., will receive hand-delivered or messenger-delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, N.E., Suite 110, Washington, D.C. 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class mail, Express Mail, and Priority Mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at erin.mcgrath@fcc.gov, or (202) 418-7447 (facsimile); (3) Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at susan.singer@fcc.gov, or (202) 418-7447 (facsimile); (4) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov, or (202) 418-7447 (facsimile); (5) David Krech, Policy Division, International Bureau, at david.krech@fcc.gov, or (202) 418-1460 (facsimile); and (6) Neil Dellar, Office of General Counsel, at neil.dellar@fcc.gov, or (202) 418-1234 (facsimile).

Copies of the applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via e-mail at FCC@BCPIWEB.COM. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The

21,483 (2001); *see also* FCC Announces a New Filing Location for Paper Documents and a New Fax Number for General Correspondence, *Public Notice*, 16 FCC Rcd. 22,165 (2001); Reminder: Filing Locations for Paper Documents and Instructions for Mailing Electronic Media, *Public Notice*, 18 FCC Rcd. 16,705 (2003).

¹³ *See* Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, *Report and Order*, 13 FCC Rcd. 11,322 (1998).

applications are also available electronically through the Commission's ECFS, which may be accessed on the Commission's Internet website at <http://www.fcc.gov>. In addition, applications filed under Parts 22, 24, 27, 90, and 101 of the Commission's rules are available electronically through ULS, which may be accessed on the Commission's Internet website. Additional information regarding the transaction will be available on the FCC's Office of General Counsel's website, <http://www.fcc.gov/ogc>, which will contain a fully indexed, unofficial listing and electronic copies of all materials in this docket. Alternate formats of this public notice (computer diskette, large print, audio recording, and Braille) are available to persons with disabilities by contacting Brian Millin at (202) 418-7426 (voice), (202) 418-7365 (TTY), or send an e-mail to access@fcc.gov.

For further information, contact Erin McGrath, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-2042, or Susan Singer, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 418-1340.

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